

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 70738

Bayview Real Property LLC
12908 Dulaney Valley Road
Glen Arm, MD 21057

1112 Old North Point Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 13, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, failure to remove all junk, trash and debris; section 13-7-401, 402, 403, failure to cut and remove all tall grass and weeds; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, Zoning Commissioner's Policy Manual (ZCPM) cease service garage; section 1B01.1D. failure to eliminate open dump/junkyard conditions; section 428, failure to remove all untagged, inoperable or damaged/disabled motor vehicles on residential property zoned BL known as 1112 Old North Point Road, 21222.

On December 8, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ray Harmon issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Jae Lee, Respondent represented by Gary Maslan, Esquire and Ray Harmon, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 6, 2009 for removal of junk, trash and debris from this lot. A Correction Notice was issued on November 5, 2009 for removal of untagged/inoperative vehicles, remove open dump/junk yard, remove trash and debris, cut and remove tall grass and weeds. This Citation was issued on December 8, 2009.

B. Inspector Ray Harmon testified that this property is zoned BL. Parts of the property are being used to store untagged motor vehicles. Photographs in the file show large numbers of cars, some with visible damage and disrepair. Photographs show a boat on a trailer with no valid tag. Photographs show a shipping container being stored outside. Inspector Harmon testified that this property does not have a use permit allowing operation of an open dump or allowing automobile storage.

C. Photographs also show open dump conditions, with piled scrap wood and broken concrete blocks, and old carpeting. This violates prohibitions against the accumulation of junk, trash and debris, and prohibitions against creation of possible harborage for rats.

D. Mr. Gary Maslan, Esq. appeared at this Hearing representing Respondent Bayview Real Property LLC. The owner of the company, Mr. Jae Lee, also appeared. Mr. Maslan stated that his client acquired this property four years ago and that it had previously been used as a junkyard for twenty or thirty years. His client spent \$50,000.00 cleaning it up. Currently there are tenants occupying the property including a company that ships automobiles overseas and another company that sells used cars and uses this property for storage. His client does not know who owns the boats. He requested time to permit his client to address zoning and permit issues.

E. It is clear from the evidence presented that there are zoning and code violations at this property. Neither Respondent nor his tenants have permits to operate a vehicle storage yard, open dump, or other commercial or industrial operation on this property. Because compliance is the goal of code enforcement, Respondent will be given additional time to apply for and obtain required permits for ongoing uses of this property.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if all violations are corrected by March 10, 2010, either by removing all prohibited junk, debris, and untagged/inoperative vehicles or by obtaining required permits and complying with all regulations.

IT IS FURTHER ORDERED that the civil penalty will be REDUCED by \$4,000.00 (four thousand dollars) if Respondent by March 10, 2010 files an application, with required site plan and all other required documentation, for any and all permits or other certificates required for all uses of the property that Respondent proposes to have as of April 21, 2010.

If the required application is not filed by March 10, 2010, \$4,000.00 (four thousand dollars) of the civil penalty shall be enforced and billed to the Respondent.

IT IS FURTHER ORDERED that the civil penalty will be REDUCED by \$1,000.00 (one thousand dollars) if Respondent by April 21, 2010 obtains required permits and is in compliance with all regulations. If the violations are not corrected by April 21, 2010, \$1,000.00 of the civil penalty shall be enforced and billed to the Respondent.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26th day of January 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.